



CITY OF BOSTON

Mayor's Office of Consumer Affairs and Licensing

Boston City Hall, Room 817
Boston, MA 02201

THOMAS M. MENINO
Mayor

PATRICIA A. MALONE
Director

March 24, 2008

Petit Robert Bistro, Inc.
d/b/a Petit Robert Bistro
480 Columbus Avenue
Boston, MA 02118
Attn.: Jacky L. Robert, Manager

DECISION AND STATEMENT OF REASONS NOTICE OF SUSPENSION

On Wednesday, March 19, 2008, the Mayor's Office of Consumer Affairs and Licensing held an administrative hearing to consider the following:

#050855 1/26/08 valet double parking, blocking the street causing a traffic jam.

1. Report #050855: (a) Boston Police Officer Gambon reported that on January 26, 2008, at about 7:30 p.m. police were traveling on Columbus Avenue when they came to a halt before West Newton Street. Columbus Avenue was backed up about 100 yards, with 6 vehicles double parked in front of the licensed establishment Petit Robert Bistro. Vehicles were sounding their horns at the valet attendants. Police spoke to the valet attendant and valet manager, who both stated there was nothing they could do, with the manager stating the problem resulted from patrons arriving at the same time. Police returned one hour later and saw five vehicles were again double-parked, with the valet manager again stating there was nothing that could be done. As a result of this incident, police issued LPV #050855 to the establishment alleging the above.

(b) The licensee did not appear, despite receiving hand-delivered notice of the hearing. See attached copy of hearing notice.

(c) **FINDINGS:** The Licensing Division finds the licensee in **VIOLATION** as a result of this incident. Licensees are required to conduct operations so as to not adversely affect the public order, and must operate so as to prevent an unreasonable increase in the level of traffic in the area of the premises, or an unreasonable increase in the number of vehicles to be parked in the area of the premises. M.G.L. c. 140 §183A. Licensees are also subject to sanctioning for any violation of law. M.G.L. c. 140 §183A. In this case, there was substantial evidence that the licensee did not adhere to these requirements.

On the dates in question, the evidence showed that the licensee's valet parking service caused numerous vehicles to be illegally double parked in front of the establishment, resulting in a considerable blockage in traffic, instead of moving the vehicles to the designated parking area as required by the terms of its valet parking permit. See Traffic Rules and Regulations, Boston Transportation Department, Article IV-A, Valet Parking Permit Regulations. Such circumstances created an unreasonable increase in traffic in the area, and brought the licensee outside of the licensing standards set forth above. The licensee must bear the responsibility for this failure. Licensees must institute diligent monitoring efforts to ensure their valet parking services adhere to requirements, as they are responsible for its proper operation.

In addition, the Licensing Division is highly troubled that this is the second recent offense of this nature, and also that the licensee failed to attend the hearing. The licensee also failed to attend the hearing for the prior violation. The Licensing Division concludes this establishment does not appreciate the importance of adhering to licensing rules and requirements, and does not appreciate the importance of participating in the licensing process. In this case, the licensee's methods of operation have resulted in significant traffic congestion, a situation harmful to the overall public order. The licensee has given no indication they are making efforts to address this very important issue. Such a situation is unacceptable, as a licensee cannot be allowed to operate in violation of standards. It is necessary now for a significant sanction to be issued to this licensee, to be seen as a tool to ensure they take the necessary measures to address this issue and prevent future violations. Accordingly, the Licensing Division orders the following: All entertainment at this establishment is ordered to be **SUSPENDED** for a period of **TWO DAYS**: Saturday, May 31, 2008; and Sunday, June 1, 2008. No entertainment of any kind may take place at this establishment beginning at 12:00 p.m. on Saturday, May 31, 2008. Entertainment may resume on Monday, June 2, 2008 at 12:00 p.m. It will not be necessary for the licensee to surrender their physical license; however, they must execute an acknowledgment that no entertainment will take place during the designated times. Further violations may result in the suspension or revocation of entertainment.

This decision is based upon the Division's regulatory standards, codes, and statutes including St. 1821, c. 110 §14; 1908 c. 494 §3; M.G.L. c. 4, 43, 136 and c. 140 §§177A, 181, 183A and C.B.C. Ord. 17 §§13.1-13.6.

An appeal of this decision is in the nature of certiorari to Superior Court pursuant to M.G.L. c. 249 §4. An appeal must be filed within 60 days of the date of this decision.

Mayor's Licensing Division

Patricia A. Malone
Director

cc: Captain William Evans, BPD, Area D-4